

REMARKS

The Office examined claims 1-3, 5-10, and 12-23. Claims 8-10, 12-15 and 19-23 are allowed, claims 5 and 17 are objected to, and claims 1-3, 6-7 and 16 and 18 are rejected. With this paper, none of the claims are canceled and no new claims are added, so that claims 1-3, 5-10, and 12-23 remain in the application.

Claim Rejections under 35 USC §103

At sections 1-2 of the Office action, claims 1-3, 5-7, 16 and 18 are rejected under 35 USC §103(a) as being unpatentable over WO99/30479 (hereinafter Alperovich) in view of U.S. Pat. App. Pub. No. 2004/0092265 (hereinafter Chitrapu) and US Pat. App. Pub. No. 2006/0195551 (hereinafter Dowling). Of the claims so rejected, the sole independent claim is claim 1.

Applicant has amended claim 1 to remove the limitation "or to another cellular network system." No new matter has been introduced by way of amendment. As amended, claim 1 reads:

A method for use by a communication device, comprising:
obtaining information about one or more currently active cellular network systems to each of which the device has one or more active connections for respective connected applications hosted by the device, wherein the information includes at least the number and type of connections currently in use; and
deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device based on factors including the information about currently active cellular network systems.

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

The Office relies on Alperovich, page 3, lines 19-22, page 4, lines 23-32, page 5, lines 1-4, 16-27 and claim 1, lines 10-14 for teaching a device obtaining information about one currently active cellular network system to which the device has an active connection and deciding whether to allow establishing a new connection with another network system to which the device is not connected. At the cited passages, however,

Alperrovich discloses a mobile station subscribed to one PLMN, which changes to a different PLMN due to roaming out of the area of the subscribed PLMN; selection of the new PLMN is by virtue of the mobile station receiving messages from a broadcast channel, which provides information about the available PLMNs. In other words, Alperrovich teaches a device selecting a new network (PLMN) for a new connection based on received charging information from a plurality of PLMNs that are available in the new area that the mobile station has moved into; then the device compares the charging info of the different networks and registers with one network based on the result of the comparison.

Applicant respectfully asserts that Alperrovich does not disclose or suggest that the communication device has an *active* connection to *each* of the currently active cellular network systems, as required by claim 1. Due to this deficiency, it logically follows that Alperrovich also fails to disclose “deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device based on factors including the information about currently active cellular network systems”, as claimed, because the required “one or more active connections for respective connected applications hosted by the device” do not exist in Alperrovich. According to Alperrovich, such a decision is made based on advertised charging rates (see Alperrovich page 3, lines 16-27, page 4, line 31 through page 5, line 4, and page 5, line 28 through page 6, line 4), not on *active* connections for respective *connected* applications, as claimed in claim 1.

The Office relies on Chitrapu for disclosing combinations allowed by each currently active network system (see Chitrapu Fig. 2, para. [0014], lines 1-12 and paras. [0016]-[0017]). As amended, claim 1 recites “deciding whether to allow establishing a new connection to one of the *currently active cellular network systems* on behalf of another application hosted by the device based on factors including the information about currently active cellular network systems.” In contrast to claim 1, however, Chitrapu discloses handover considerations, i.e. transfer of the connection to *another* network. As amended, claim 1 requires “establishing a new connection to one of the currently active cellular network systems,” not *another* network as disclosed in Chitrapu.

Furthermore, Chitrapu fails to disclose or suggest the features that are lacking in Alperrovich, as discussed above; namely that the communication device has one or more *active* connections to *each* of the one or more currently active cellular network systems.

The Office relies on Dowling for disclosing “wherein the information includes at least the number and type of connections currently in use,” as claimed in claim 1. The Office cites paras. [0027]-[0028], [0033]-[0034] and [0037]-[0041] as teaching “one or more servers coupled to the packet transport interface for routing functions for packet rerouting within the proximity of the mobile device.” Dowling discloses a typical setup wherein servers route traffic, however Dowling fails to disclose or suggest using the number and type of active connections as a basis for deciding whether to establish a new connection, as required by claim 1. Furthermore, Dowling fails to disclose or suggest the features of the claimed invention that are lacking in Alperrovich and Chitrapu as discussed in detail above.

Consequently, Alperrovich, Chitrapu and Dowling, taken singly or in combination, fail to disclose or suggest all the features of the invention as recited in amended claim 1. For at least the reasons provided above with regard to claim 1, applicant respectfully requests that the rejection of claim 1 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 2-3, 6-7, 16 and 18 are directly or indirectly dependent from claim 1 and recite additional features not recited in claim 1. For at least the reasons provided above with regard to claim 1, Applicant respectfully requests that the rejection of claims 2-3, 6-7, 16 and 18 under 35 USC §103(a) be reconsidered and withdrawn.

Allowable Subject Matter

At section 3 of the Office action, the Office objects to claims 5 and 17 as being dependent on a rejected base claim, but asserts that claims 5 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims. Applicant respectfully submits that claims 5 and 17 are

allowable in their current form in view of the allowability of claim 1 from which claims 5 and 17 ultimately depend.

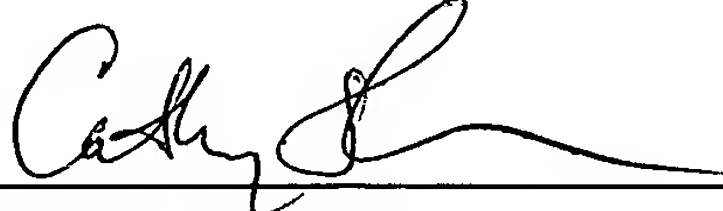
At section 4 of the Office action, the Office indicates that claims 8-10, 12-15, and 19-23 are allowed. Applicant would like to express appreciation to the Office for the allowed claims.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

8-20-09
Date


Cathy A. Sturmer
Registration No. 60,869

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224
tel: (203) 261-1234
Cust. No.: 004955